

RSA No. 4221 of 2005

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No. 4221 of 2005

Date of Decision: 15.1.2007

Sube Singh

...Appellant

Versus

Dharam Singh and others

....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri Y.P. Malik, Advocate, for the appellant.

HEMANT GUPTA, J.

Defendant-Sube Singh is in second appeal aggrieved against the judgment and decree passed by the Courts below, whereby the suit for possession has been decreed holding the plaintiffs to be owners of the suit property.

Both the Courts have recorded a concurrent finding of fact that the plaintiffs are owners in possession of the disputed plot to the extent of their shares and that the existence of the Gali in between the houses of the parties is not disputed. Even the site plan Exhibit D.1, relied upon by the defendants also shows the existence of the Gali between the plaintiffs and defendants. On the basis of demarcation report Exhibit P.2, site plan Exhibit P.3 and the photographs, a finding has been returned that the defendants have encroached upon the plot of the plaintiffs. It has been further found that the defendants have raised a plea of adverse possession, which means that the title of the plaintiffs is admitted.

In view of the said evidence and the pleadings, both the

Courts have recorded concurrent findings of fact. Such findings are sought to be disputed by reappreciation of evidence. However, it could not be pointed out that any evidence has been misread or not taken into consideration.

Consequently, I do not find any patent illegality or irregularity in the findings recorded, which may raise any substantial question of law in the present appeal.

Hence, the present appeal is dismissed.

15-01-2007
ds

(HEMANT GUPTA)
JUDGE